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In re Application of
SZARDENINGS et al.
Application No.: 09/674,733
PCT No.: PCT/GB99/01388
Int. Filing Date: 05 May 1999
Priority Date: 05 May 1998 : COMMUNICATION
Attorney Docket No.: 1085 005000
For: MELANOCORTIN 1 RECEPTOR SELECTIVE
COMPOUNDS

This application is before the PCT Legal Office for matters arising under 35 U.S.C. 371. This communication is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) DECLARATION ALREADY FILED" filed in the United States Patent and Trademark Office (USPTO), on 22 February 2001 in the above-captioned application.

BACKGROUND

On 06 November 2000, applicant filed a transmittal letter for entry into the national stage along with the basic national fee.

On 02 May 2001, applicant filed a communication along with an original executed declaration and power of attorney and assignment. However, on 22 May 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.66 or 37 CFR 1.68 along with the surcharge for filing the oath or declaration after the thirty month period was required. The Notification inadvertently referenced the wrong international application number, attorney docket number and international filing date.

On 22 May 2001, a Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was mailed to applicant, indicating that an initial or substitute paper copy or compact disc of the "Sequence Listing, as well as an amendment directing its entry into the specification.

On 12 June 2001, applicant filed a Communication, indicating that an executed

declaration was filed on 02 May 2001, and an amendment and submission of sequence listing under 37 CFR 1.825(a). Applicant also indicated that the attorney docket number, international application number and international filing date and priority date were incorrectly listed on the Notification of Missing Requirements.

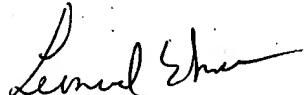
DISCUSSION

A review of the application file reveals that the 02 May 2001 "Communication" and an executed declaration and power of attorney was received in USPTO on 02 May 2001. The declaration is found to be in compliance with 37 CFR §§1.68 and 1.497(a) and (b). The surcharge for filing the declaration after the thirty month period has been paid. The 22 May 2001 Notification of Missing Requirements was mailed in error and is hereby vacated.

A review of the USPTO records indicates that the correct attorney docket number, international application number and international filing date and priority date as they appear in the caption above are entered into the computer system.

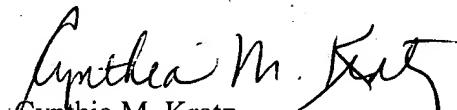
CONCLUSION

The application will be forwarded to the U.S. Designated/Elected Office for further processing. The Notification of Missing Requirements mailed on 22 May 2001 is VACATED. The 35 U.S.C. 371 date is 02 May 2001.



Leonard E. Smith
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